

## REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed September 29, 2005.

A Request for Extension of Time to extend the period for responding to this Office Action to February 28, 2006, is filed herewith.

Upon entry of the foregoing amendments, claims 1-2, 4-17, and 19-36 are now pending in this application. Non-elected claims 2, 5, 6, 8-10, 14, 15, 17, 20, 21, 23-25, and 29-36 stand withdrawn. Claims 1, 12, and 13 stand rejected under 35 USC § 102(b) as being anticipated by Anderson (U.S. Patent No. 4,734,938). Claims 1 and 16 stand rejected under 35 USC § 102(b) as being anticipated by Brevoort (U.S. Patent Application Publication No. 2004/0216219). Claims 3 and 4 stand rejected under 35 USC § 103(a) as being unpatentable over Anderson in view of Jenkins (U.S. Patent No. 2,621, 501). Claims 11, 16, 18, 19, and 26-28 stand rejected under 35 USC § 103(a) as being unpatentable over Anderson in view of Carter (U.S. Patent No. 3,135,442). Claims 3, 4, 7, 18, 19, and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Brevoort in view of Jenkins.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

### Claims 1, 12, and 13—35 USC § 102(b)

The rejections of claims 1, 12, and 13 under 35 USC § 102(b) as being anticipated by Anderson are respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] set of garments, each of the garments in the set comprising: a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, the garment match indicator having a color different than the color of the garment, wherein each of the garments is matchable to the other garments by the garment match indicator.” (Claim 1 (emphasis added).)

The Official Action states that, in regard to claim 1, Anderson teaches a set of garments, each of the garments (10) in the set comprising a garment match indicator (12, 14) comprising a word describing an identifiable characteristic common to the garments in the set (12); that the garment match indicators have a color different than the color of the garment; and that each of the garments is matchable to the other garments by the garment match indicator. The Official Action states that, in regard to claim 12, Anderson teaches the garment match indicator being integrally formed in the garment; and that, in regard to claim 13, Anderson teaches the garment match indicators being knit into the garment. (Official Action, pp. 2-3.)

Anderson discloses a sock having a color indicating indicium comprising the name of the color of the sock knitted into the sock in a color different from the body of the sock at a location not visible during wear (on top of and near the toe of the sock), and a pair indicating indicium comprising a pair of geometric symbols knitted into the sock on either side of the color indicating indicium for sorting socks in order to keep pairs of socks together. (Anderson, col. 2, lines 23-62; figure.)

Nowhere does Anderson disclose a set of garments, each of the garments in the set comprising a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Therefore, Applicant respectfully submits that Anderson fails to disclose each and every element of the invention as claimed in claim 1, and thus does not anticipate claim 1.

Claims 12 and 13 depend from claim 1, and are therefore likewise not anticipated by Anderson.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 1, 12, and 13 under 35 USC § 102(b) as being anticipated by Anderson.

**Claims 1 and 16—35 USC § 102(b)**

The rejections of claims 1 and 16 under 35 USC § 102(b) as being anticipated by Brevoort are respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] set of garments, each of the garments in the set comprising: a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, the garment match indicator having a color different than the color of the garment, wherein each of the garments is matchable to the other garments by the garment match indicator.” (Claim 1 (emphasis added).)

Claim 16 of the present invention, as amended, claims “[a] pair of socks, each sock comprising: a toe, a heel, a foot portion between and including the toe and the heel, a medial side, and a lateral side, the foot portion further comprising a bottom below the midline on each of the medial and lateral sides of the foot portion; and a sock match indicator disposed on the bottom of the foot portion comprising a word, *the word comprising the name of the size of each of the socks of the pair*, the color of the sock match indicator being different than the color of the socks, wherein each of the socks of the pair is matchable to the other by the sock match indicator.” (Claim 16 (emphasis added).)

The Official Action states that, in regard to claim 1, Brevoort teaches a set of garments (1), each of the garments in the set comprising a garment match indicator (3) comprising a word describing an identifiable characteristic common to the garments in the set; that the garment

match indicators have a color different than the color of the garment; and that each of the garments is matable to the other garment by the garment match indicators. The Official Action states that, in regard to claim 16, Brevoort teaches a pair of socks, each sock comprising a toe, a heel, a foot portion between and including the toe and the heel, a medial side, and a lateral side; that the foot portion comprises a bottom below the midline on each of the medial and lateral sides of the foot portion; that a sock match indicator disposed on the bottom of the foot portion comprises a word describing an identifiable characteristic common to each of the socks of the pair; that the color of the sock match indicator is different than the color of the sock; and that each of the socks of the pair is matable to the other by the sock match indicators. (Official Action, pp. 3-4.)

Brevoort discloses a sock with a permanent color label. The color label comprises a color name and/or color code interwoven, woven, printed, bonded, or adhered to a portion of the sole, toe, heel, or top region of the sock. The color label can be a contrasting color to the sock. (Brevoort, paras. 8-14.)

Nowhere does Brevoort disclose a set of garments, each of the garments in the set comprising a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Nowhere does Brevoort disclose a pair of socks, each sock comprising a sock match indicator comprising a word, *the word comprising the name of the size of each of the socks of the pair*, as in claim 16. Therefore, Applicant respectfully submits that Brevoort fails to disclose each and every element of the invention as claimed in claims 1 and 16, and thus does not anticipate claims 1 and 16.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 1 and 16 under 35 USC § 102(b) as being anticipated by Brevoort.

**Claims 3 and 4—35 USC § 103(a)**

The rejections of claims 3 and 4 under 35 USC § 103(a) as being unpatentable over Anderson in view of Jenkins are respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] set of garments, each of the garments in the set comprising: a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, the garment match indicator having a color different than the color of the garment, wherein each of the garments is matchable to the other garments by the garment match indicator.” (Claim 1 (emphasis added).)

The Official Action states that Anderson teaches a sock match set as described in claim 1, but that Anderson fails to teach the match indicator comprising the name of the size of the garments and each set of garments having a different size, wherein the name of the size of the garments for each set of garments comprises a unique color. The Official Action states that, in regard to claim 3, Jenkins teaches the garment match indicators comprising the name of the size of the garment; that, in regard to claim 4, Jenkins teaches a plurality of sets of garments, each set of garments having a different size, wherein the name of the size of the garments for each set of garments comprises a unique color; and that it would have been obvious to have provided the sock match indicator set of Anderson with the match indicators representing the size of the garment of Jenkins, since the sock match indicator set of Anderson provided with match indicators representing the size of the garments would allow the user not only to match two socks together but to further allow the user to match the socks together based upon size so the final paired sets are of equal size. (Official Action, pp. 4-5.)

Anderson discloses a sock having a color indicating indicium comprising the name of the color of the sock knitted into the sock in a color different from the body of the sock at a location not visible during wear (on top of and near the toe of the sock), and a pair indicating indicium comprising a pair of geometric symbols knitted into the sock on either side of the color

indicating indicium for sorting socks in order to keep pairs of socks together. (Anderson, col. 2, lines 23-62; figure.)

Jenkins discloses size indicia for socks comprising a geometric figure knit into each of a pair of socks in a conspicuous position, such as the heel. The geometric figures of a pair of socks may have a color different from other pairs of socks, and must have a color different from the color of the body portion of the socks. Jenkins discloses that each customer may be given a color chart which will identify the size of a pair of socks with the color of the geometric figure. (Jenkins, col. 1, line 47 – col. 2, line 44.)

As discussed herein, Anderson fails to disclose a set of garments, each of the garments in the set comprising a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. As a result, Anderson fails to disclose each and every element of the invention as claimed in claim 1, and thus fails as a reference with respect to claim 1. Neither does Jenkins disclose a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Therefore, Applicant respectfully submits that Jenkins fails to overcome the deficiency of Anderson as a reference with respect to claim 1.

Both Anderson and Jenkins disclose indicia on socks related to *color and for matching pairs of socks* with color indicia and/or geometric symbols or figures. Neither reference mentions a garment match indicator comprising *a word comprising the name of the size of the garments*, as in claim 1. Applicant respectfully submits that Jenkins teaches away from matching socks by a particular size, such as the *name of the size* of the sock, in that it discloses that each customer may be given a color chart which will identify the size of a pair of socks with the color of the geometric figure. Thus, there is no suggestion or motivation in either Anderson or Jenkins to combine these two references. Neither is there any expectation that combining the color indicating indicium and the pair indicating indicium comprising geometric symbols of

Anderson with the size indicia comprising a geometric figure of Jenkins would provide a garment match indicator comprising a word, *the word comprising the name of the size of the garments*, as in claim 1. Accordingly, claim 1 would not have been not obvious to one of ordinary skill in the art at the time the invention was made and therefore not obvious over Anderson in view of Jenkins.

Claim 3 has been canceled herein. Claim 4 has been amended herein to depend from claim 1, and is therefore likewise not obvious over Anderson in view of Jenkins.

For all of these reasons, the Office is respectfully requested to withdraw the rejection of claim 4 under 35 USC § 103(a) as being unpatentable over Anderson in view of Jenkins.

**Claims 11, 16, 18, 19, and 26-28—35 USC § 103(a)**

The rejections of claims 11, 16, 18, 19, and 26-28 under 35 USC § 103(a) as being unpatentable over Anderson in view of Carter are respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] set of garments, each of the garments in the set comprising: a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, the garment match indicator having a color different than the color of the garment, wherein each of the garments is matchable to the other garments by the garment match indicator.” (Claim 1 (emphasis added).)

Claim 16 of the present invention, as amended, claims “[a] pair of socks, each sock comprising: a toe, a heel, a foot portion between and including the toe and the heel, a medial side, and a lateral side, the foot portion further comprising a bottom below the midline on each of the medial and lateral sides of the foot portion; and a sock match indicator disposed on the bottom of the foot portion comprising a word, *the word comprising the name of the size of each of the socks of the pair*, the color of the sock match indicator being different than the color of the

socks, wherein each of the socks of the pair is matchable to the other by the sock match indicator.” (Claim 16 (emphasis added).)

The Official Action states that, in regard to claim 16, Anderson teaches a pair of socks, each sock comprising a toe, a heel, a foot portion between and including the toe and the heel, a medial side and a lateral side, the foot portion comprising a bottom below the midline on each of the medial and lateral sides of the foot portion, a sock match indicator disposed on the foot portion comprising a word describing an identifiable characteristic common to each of the socks of the pair, the color of the sock match indicator being different than the color of the sock, and each of the socks of the pair being matable to the other by the sock match indicators; and that Anderson teaches a garment with match indicators as described in claims 1 and 16. The Official Action states that Anderson fails to teach the sock having the match indicators disposed on the bottom of the foot portion; the sock comprising a brand identifier and the match indicator comprising the name of the size of the socks; and a plurality of pairs of socks, each pair of the socks having a different size, wherein the name of the size of the socks for each pair of socks comprises a unique color. The Official Action states that Carter teaches a sock with trademark and size information located on the bottom of the foot portion; that, in regard to claims 11 and 26, Carter teaches a sock garment with trademark information located on the sock, which would identify the brand; that, in regard to claim 18, Carter teaches the sock match indicators comprising the name of the size of the socks; that in regard to claim 19, Carter teaches a plurality of pairs of socks, each pair of socks capable of having a different size, wherein the name of the size of the socks for each pair of socks can comprise a unique color if desired; that, in regard to claims 27-28, Anderson teaches the sock match indicators being integrally knit into the sock body. (Official Action, pp. 5-6.)

The Official Action states that it would have been obvious to have provided the sock with match indicators of Anderson with the match indicators of Carter located on the bottom of the sock and detailing the size and trademark information, since the sock of Anderson provided with

match indicators located on the bottom of the sock detailing the size and trademark information would provide for the indicators to be concealed from view no matter what style shoe is worn with the sock and the size, and trademark information ensures that the pair of socks mated together would be of the same size and brand to ensure proper and even fit on booth feet.

(Official Action, p. 6.)

Anderson discloses a sock having a color indicating indicium comprising the name of the color of the sock knitted into the sock in a color different from the body of the sock at a location not visible during wear (on top of and near the toe of the sock), and a pair indicating indicium comprising a pair of geometric symbols knitted into the sock on either side of the color indicating indicium for sorting socks in order to keep pairs of socks together. (Anderson, col. 2, lines 23-62; figure.)

Carter discloses a method of applying indicia to leg apparel comprising permanently affixing with an adhesive an indicia bearing member to the surface of a leg apparel, such as a sock. The indicia bearing member has indicia secured to or carried by it. The indicia can be, for example, trademark, size, fiber content, or style classification. (Carter, col. 1, lines 12-17 and lines 61-66; col. 2, lines 26-33.) Carter discloses in Fig. 1 indicia 13 as the word "socks." The numbers 10-13 are displayed on the indicia bearing member adjacent the word "socks." (Carter, Fig. 1.)

As discussed herein, Anderson fails to disclose a set of garments, each of the garments in the set comprising a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. As a result, Anderson fails to disclose each and every element of the invention as claimed in claim 1, and thus fails as a reference with respect to claim 1. Neither does Carter disclose a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Therefore,

Applicant respectfully submits that Carter fails to overcome the deficiency of Anderson as a reference with respect to claim 1.

Anderson discloses indicia on socks related to *color* and *for matching pairs of socks* with color indicia and/or geometric symbols. Carter discloses placing size indicia on socks. However, the only possible disclosure of size indicia in Carter is the numbers “10-13” shown in Fig. 1. Therefore, Carter does not disclose size indicia as the *name of the size* of a sock. Neither reference mentions a garment match indicator comprising *a word comprising the name of the size of the garments*, as in claim 1. Thus, there is no suggestion or motivation in either Anderson or Carter to combine these two references. Neither is there any expectation that combining the color indicating indicium and the pair indicating indicium comprising geometric symbols of Anderson with the possible numeric size indicia of Carter would provide a garment match indicator comprising a word, *the word comprising the name of the size of the garments*, as in claim 1. Accordingly, claim 1 would not have been not obvious to one of ordinary skill in the art at the time the invention was made and therefore not obvious over Anderson in view of Carter.

Claim 18 has been canceled herein. Claim 11 depends from claim 1. Claims 19 and 26-28 depend from claim 16. Therefore, claims 11, 19, and 26-28 are likewise not obvious over Anderson in view of Carter.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 11, 16, 19, and 26-28 under 103(a) as being unpatentable over Anderson in view of Carter.

**Claims 3, 4, 7, 18, 19, and 22—35 USC § 103(a)**

The rejections of claims 3, 4, 7, 18, 19, and 22 under 35 USC § 103(a) as being unpatentable over Brevoort in view of Jenkins are respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] set of garments, each of the garments in the set comprising: a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, the garment match indicator having a color different than the color of the garment, wherein each of the garments is matchable to the other garments by the garment match indicator.” (Claim 1 (emphasis added).)

Claim 16 of the present invention, as amended, claims “[a] pair of socks, each sock comprising: a toe, a heel, a foot portion between and including the toe and the heel, a medial side, and a lateral side, the foot portion further comprising a bottom below the midline on each of the medial and lateral sides of the foot portion; and a sock match indicator disposed on the bottom of the foot portion comprising a word, *the word comprising the name of the size of each of the socks of the pair*, the color of the sock match indicator being different than the color of the socks, wherein each of the socks of the pair is matchable to the other by the sock match indicator.” (Claim 16 (emphasis added).)

The Official Action states that Brevoort teaches a garment with match indicators as described in claims 1 and 16, but that Brevoort fails to teach the match indicators comprising the name of the size of the garments and a plurality of sets of garments having a different size, wherein the name of the size of the garments for each set of garments comprises a unique color. The Official Action states that, in regards to claims 3, 4, 7, 18, 19, and 22, Jenkins teaches a sock having match indicators comprising the name of the size of the garments and a plurality of sets of garments having a different size, wherein the name of the size of the garment for each set of garments comprises a unique color; and that it would have been obvious to have provided the sock with match indicators of Brevoort with the size and color indicating teaching of Jenkins, since the sock with match indicators of Brevoort provided with a size and color indicating the particular match of a garment sock set would allow one to pair up sock sets easily and correctly after the laundering process. (Official Action, p. 7.)

Brevoort discloses a sock with a permanent color label. The color label comprises a color name and/or color code interwoven, woven, printed, bonded, or adhered to a portion of the sole, toe, heel, or top region of the sock. The color label can be a contrasting color to the sock.  
(Brevoort, paras. 8-14.)

Jenkins discloses size indicia for socks comprising a geometric figure knit into each of a pair of socks in a conspicuous position, such as the heel. The geometric figures of a pair of socks may have a color different from other pairs of socks, and must have a color different from the color of the body portion of the socks. Jenkins discloses that each customer may be given a color chart which will identify the size of a pair of socks with the color of the geometric figure.  
(Jenkins, col. 1, line 47 – col. 2, line 44.)

As discussed herein, Brevoort fails to disclose a set of garments, each of the garments in the set comprising a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Brevoort fails to disclose a pair of socks, each sock comprising a sock match indicator comprising a word, *the word comprising the name of the size of each of the socks of the pair*, as in claim 16. As a result, Brevoort fails to disclose each and every element of the invention as claimed in claims 1 and 16, and thus fails as a reference with respect to claims 1 and 16. Neither does Jenkins disclose a garment match indicator comprising a word, *the word comprising the name of the size of the garments in the set*, as in claim 1. Therefore, Applicant respectfully submits that Jenkins fails to overcome the deficiency of Anderson as a reference with respect to claim 1.

Brevoort discloses color label comprises a color name. Jenkins disclose indicia on socks related to *color* and *for matching pairs of socks* with color indicia and/or geometric figures. Neither reference mentions a garment match indicator comprising *a word comprising the name of the size of the garments*, as in claim 1. Applicant respectfully submits that Jenkins teaches away from matching socks by a particular size, such as the *name of the size* of the sock, in that it

discloses that each customer may be given a color chart which will identify the size of a pair of socks with the color of the geometric figure. Thus, there is no suggestion or motivation in either Brevoort or Jenkins to combine these two references. Neither is there any expectation that combining the color label comprises a color name of Brevoort with the size indicia comprising a geometric figure of Jenkins would provide a garment match indicator comprising a word, *the word comprising the name of the size of the garments*, as in claim 1. Accordingly, claim 1 would not have not been obvious to one of ordinary skill in the art at the time the invention was made and therefore not obvious over Brevoort in view of Jenkins.

Claims 3 and 18 have been canceled herein. Claims 4 and 7 depend from claim 1, and claims 19 and 22 depend from claim 16. Therefore, claims 4, 7, 19, and 22 are likewise not obvious over Brevoort in view of Jenkins.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 4, 7, 19, and 22 under 103(a) as being unpatentable over Brevoort in view of Jenkins.

## CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance. Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

Date: 2/28/06

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